

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION NO. 70-35

ORDERING MANUEL S. BORGES AND SONS DAIRY TO CEASE AND DESIST
VIOLATIONS OF THE WASTE DISCHARGE REQUIREMENTS OF RESOLUTION
NO. 70-28

WHEREAS THIS REGIONAL BOARD HAS CONSIDERED

ADMINISTRATIVE INFORMATION

1. On July 24, 1969 this Regional Board adopted Resolution No. 69-37, prescribing requirements for the discharge of waste from the Manuel S. Borges and Sons Dairy.
2. The waste discharge requirements provide, in part, as follows:

"The waste discharge shall be effectively confined to the discharger's property at all times."
3. On March 26, 1970 this Regional Board adopted Resolution No. 70-28 to amend Resolution No. 69-37 to make the code references consistent with the Porter-Cologne Water Quality Control Act which became operative on January 1, 1970 without making any substantive changes in the specific requirements contained therein.
4. Inspection by the Board's staff indicated that the Manuel S. Borges and Sons Dairy is violating the requirement listed in "2" above.
5. Manuel S. Borges and Sons Dairy was notified by certified mail that this Board would receive evidence regarding the issuance of an order to cease and desist under the provisions of Section 13301 of the California Water Code at a meeting duly held on March 26, 1970.
6. This Board, at its meeting March 26, 1970, reviewed the staff report to the Board relative to this case, considered issuing an order to cease and desist, and heard all interested parties present and desiring to be heard.

REGIONAL BOARD FINDINGS

1. The Manuel S. Borges and Sons Dairy is violating the following requirement:

"The waste discharge shall be effectively confined to the discharger's property at all times."

IT IS HEREBY ORDERED BY THE REGIONAL BOARD

1. The Manuel S. Borges and Sons Dairy cease and desist forthwith from discharging waste in violation of requirement listed in item "1" of "Regional Board Findings".
2. Upon the failure of the Manuel S. Borges and Sons Dairy to comply with this order, effective May 1, 1970, the Executive Officer is authorized and directed to request the Attorney General to petition the Superior Court for proper legal relief restraining the Dairy from continuing the discharge of wastes in violation of this order and to seek civil monetary remedies pursuant to Section 13350 California Water Code.

CLEAN UP AND ABATEMENT ORDER BY THE REGIONAL BOARD

1. The Manuel S. Borges and Sons Dairy by May 1, 1970 shall clean up and remove all waste deposited on public property and on private property subject to the approval of the private land owners, and particularly described as the roadside drainage ditch along Fairgrounds Drive and properties of Chief Francisco Solano Junior High School and Aztec Mobilehome Park.
2. The Attorney General is requested to petition the Superior Court for the issuance of an injunction requiring the Dairy to comply forthwith pursuant to Section 13304(a) California Water Code, if Manuel S. Borges & Sons Dairy fails to comply with this Order.

WILLIAM C. WEBER
Chairman

March 26, 1970

I, Fred H. Dierker, hereby certify that the foregoing is a true and correct copy of Resolution No. 70-35 adopted by the California Regional Water Quality Control Board, San Francisco Bay Region at its regular meeting on March 26, 1970.

FRED H. DIERKER
Executive Officer
CALIFORNIA REGIONAL WATER QUALITY CONTROL
BOARD, SAN FRANCISCO BAY REGION